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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In re METROPOLITAN  
SECURITIES LITIGATION

Case No. CV-04-0025-FVS

CLASS ACTION

DEFENDANT  
PRICEWATERHOUSECOOPERS LLP'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT ON COUNT VI

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

(Clerk's Action Required)

**(ORAL ARGUMENT REQUESTED)**

Hearing Date: December 17, 2009  
Time: 9:00 a.m.

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, defendant PricewaterhouseCoopers LLP ("PwC") hereby moves the Court for an Order granting partial summary judgment on Count VI of plaintiffs' Consolidated and Fourth Amended Class Action Complaint on the grounds that defendant PwC is entitled to dismissal under the applicable statute of repose of the Securities Act of 1933, 15 U.S.C. § 77m.

This motion is based on the accompanying notice of motion, memorandum of points and authorities, Local Rule 56.1 statement of undisputed facts, supporting declaration of Scot Strube, the argument of counsel (if permitted by the Court), all other pleadings in this action, and any other materials properly before the Court.

A proposed form of order accompanies this motion.

Dated: October 2, 2009

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

*/s/ James P. Cusick*

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JAMES P. CUSICK, *Pro Hac Vice*

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*/s/ James B. King*

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**CERTIFICATE OF SERVICE**

I, James P. Cusick, hereby certify that on October 2, 2009, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF System which will send notification to all CM/ECF subscribers, (**SEE ATTACHED SERVICE LIST**) and caused a true and correct copy to be sent via U.S. Mail to any and all non-CM/ECF participants who are required to be manually served in this case.)

/s/ James P. Cusick

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